

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20298 OF 2006

27.09.2006

Between:

Sripathi Koteswara Rao, S/o.late Masthan

... Petitioner

AND

The Joint Collector & Additional District Magistrate,
Prakasam District-cum-Settlement Officer, Ongole
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20298 OF 2006

ORDER:

The petitioner's father purchased land admeasuring Acs.28.53 in R.S.No.18/P, Acs.5.15 in R.S.No.69, and Acs.6.80 in R.S.No.18/P situated at Bukkapuram village of Darsi Mandal in Prakasam District, from the persons, who are allegedly pattadars. The father and mother of the petitioner filed applications under Section 11(a) of A.P. (Andhra Area) Abolition of Estates and Conversion into Ryotwari Act, 1948 (the Act, for brevity), claiming ryotwari patta, before the Settlement Officer, the first respondent herein. The same was allowed on 29.5.1980. However, the Director of Settlements, conducted *suo motu* enquiry under Section 5(2) of the Act and remanded the matter to the Settlement Officer. By an order dated 14.8.2006, the Settlement Officer rejected the claim for ryotwari patta. Aggrieved by the same, the petitioner who is the legal heir of the original applicants filed revision petition under Section 7(d) of the Act before the third respondent. It appears that the petitioner also filed an application for stay of the proceedings of the first respondent, which is still pending. While the matter is pending before the third respondent, it is alleged that the third respondent is trying to evict the petitioner from the lands. Therefore, the writ petition is filed seeking a writ of Mandamus declaring the action of the third respondent in interfering with the alleged possession of the petitioner as illegal and arbitrary.

Admittedly, the petitioner filed the revision petition before the third respondent, which is pending. When the statutory remedy is availed, a writ petition would not lie. It is a settled legal position. The petitioner has to seek all remedies including interlocutory orders from the third respondent. Therefore, this Court is not inclined to pass any orders. Insofar as the allegation made in paragraph No.4 of the affidavit accompanying the writ petition is concerned, there is no basis for such apprehension. The petitioner is given liberty to approach the third respondent and press for orders on interlocutory application. As and when the petitioner approaches the third respondent with a copy

of this order, appropriate orders may be passed on the interlocutory application expeditiously in accordance with law. Except making such an observation, the writ petition cannot be entertained.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

September 27, 2006

NOTE:

Issue order copy by
28.9.2006.

(By order)

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